

1. Electronic Monitoring

How should the Act facilitate or govern the use of electronic monitoring (EM) in U.S. fisheries? Should the MSA be specific about electronic monitoring or should it be left to the Councils to decide what plans EM may or not be appropriate for?

The Act should encourage development, and enable the full utilization of, EM in U.S. fisheries. Due to funding constraints, resource issues, the uniqueness of each fishery, and the rapid evolution of technology, additional national-level regulations to govern the use of electronic monitoring beyond the current constraints of the Act (e.g. the National Standards) may be counterproductive. Exact details for monitoring programs should be left up to each Council so as to provide maximum flexibility for tailored development and implementation. Ongoing collaborative efforts by NMFS and the Councils on EM should be sufficient to achieve coordination and avoid duplication. Additionally, the Act should not preclude the use of information collected by EM for the purposes of fishery law enforcement, but such measures should be carefully considered in individual fishery management plans as appropriate.

2. Data Confidentiality

Do current data confidentiality provisions in the Act need to be amended and if so how? What changes, if any, would improve fisheries management while preserving individual confidentiality?

Any changes to the act should not limit Councils' abilities to use aggregated fishery-dependent data (landings data, observer data, etc.) for decision-making purposes. The revised Act should improve the ability of the Councils to use fishery data to evaluate management programs (e.g. NEFMC's current inability to review data from individual groundfish sectors in their annual reports even though the report requirements were adopted in order to provide information on the performance of the sectors). Contractors and grant recipients of either the federal government or Councils that sign data confidentiality agreements should also be able to access confidential data.

3. Marine Spatial Planning

Should fisheries data be precluded from use in spatial planning? What would the consequences be if MSP does not effectively account for fishing?

Information is power and without identifying important fishing grounds, practices, etc., the fishing industry has more to lose than they would ever gain by not having fisheries data (subject to confidentiality) available to guide spatial planning efforts. The data could be particularly useful when coupled with habitat classification using remote sensing technologies.

4. Transparency

What level of record keeping is most appropriate to provide public access and transparency for Council meetings and SSC meetings? Summaries, Transcripts, Audio on File, Audio on Website, Streaming Audio, streaming webinar (screen and audio is streamed), streaming webinar with video, webinars on file, webinars on website, etc. Video has the potential to cause significant A/V issues as streaming both what's on the screen and video has the potential to cause bandwidth issues (even with a dedicated hardline) that then interferes with maintaining good audio.

The Councils support a transparent public process including webcasts and recordings of all Council and SSC meetings. However, budget problems are very real and written transcripts are cost prohibitive. Video recordings of large meetings may not add substantive content as they will not capture presentations and motions, which are the most critical visual aspects of meetings. Streaming video may also degrade the quality of webcast audio. The technology for webcasts is also evolving rapidly, especially in the context of remote meetings near fishing ports as are typically conducted by the Councils. We recommend that Congress require each Council to develop a policy in its Standard Operating Procedures that describes how it makes each type of Council meeting accessible to the public, and that Congress require the use of webcasts "to the extent practicable."

5. Ecosystem Management

Are any changes to the Act necessary to enable the Councils to transition to EAFM or EBFM?

NMFS and the Councils are making efforts to move toward ecosystem approaches to fishery management. Most of the emphasis in the current Act is on the requirements to end overfishing and rebuild individual stocks of fish. These can at times constrain efforts to take more holistic approaches. Also, many aspects of single-species stock dynamics are still poorly understood, and additional resources are needed for research in the rapidly-progressing area of ecosystem based fishery management (as well as in how to effectively translate that science into fisheries policy). Section 406 of the Act requires the Secretary to establish an advisory panel to develop recommendations to expand the application of ecosystem principles in fishery conservation and management activities. This Panel hasn't been active since 1999 but should be regularly active. Also, an update of the 2009 Report to Congress "The State of Science to Support an Ecosystem Approach to Regional Fishery Management" would seem appropriate
(http://www.nmfs.noaa.gov/msa2007/docs/tm_96_repto_congress_final.pdf).

6. Forage Fish Management

Should the Act further require that the ecological role of forage fish be taken into consideration when setting quotas on forage fish (Ecosystems are already in there for OY considerations - "...prescribed as such on the basis of the maximum sustainable yield from the fishery, as reduced by any relevant economic, social, or ecological factor)? How specific should it be?

The Act should encourage managers to take into consideration to the extent practicable the role of forage fish for other species when establishing quotas and other management measures. The current language with respect to taking into account ecological factors in Optimum Yield considerations already provides the Councils with authority to address forage concerns, and greater specificity is unlikely to be appropriate given the rapid evolution of ecosystem/forage fisheries science. Several Councils have placed moratoria on the development of new fisheries on forage stocks via a variety of processes, and a new authority in the act for Councils to place moratoria on the development of new fisheries on forage stocks could be useful.

7. Sustainability Certification

Should the Act include a provision for sustainability certification to affirm the sustainability of U.S. fisheries caught under MSA? Should there be specific criteria or leave it up to the agency.

The current MSA requirements are some of the strictest in the world and acknowledgement of management successes could be important related to U.S. fishery participants' ability to compete globally. Criteria primarily tied to stock status should be developed by the agency and approved by the Councils. The certification process should be kept very simple so as not to take substantial resources away from critical management needs.

8. Recreational Fisheries

Are any specific changes to the Act necessary to ensure the successful and effective management of recreational fisheries under MSA? Do the Councils want to make any comment on MRIP?

While MRIP has provided some improved statistical methodologies to reduce bias, MRIP is only partially implemented even from a methods point of view and little has been done to increase precision - having greater certainty that an estimate is likely to be significantly off from the real number does little to assist effective management. The deliberate approach of MRIP should avoid missteps but the pace of implementation has been very frustrating to managers and constituents. There has also been a failure to effectively communicate the approach that MRIP has taken and why it will ultimately benefit the public. Since major parts of MRIP have yet to be implemented (especially wide-spread use of license data to determine effort levels), it is difficult to evaluate the success or failure of MRIP. Since recreational fisheries need

to be fully accountable with appropriate measures for overages of annual catch limits, effective monitoring of recreational fisheries at the scales important to fishery management is critical for overall success, and has not yet been achieved under MRIP. MRIP may get us there, but it has not done so yet.

9. Transboundary Stocks

Are specific changes to the Act necessary to ensure the successful management of international/ transboundary stocks?

Allowances should be made for the Councils to develop annual and in-season quota trading programs. Also, enhancement of enforcement capabilities for international fisheries, including at-sea and in-port monitoring and enforcement would likely be useful. Assistance to developing countries in their enforcement capacity could also have substantial benefits.

10. State/Federal/Council Coordination

Are specific changes to the Act necessary to facilitate improved coordination in the management of inter-jurisdictional fisheries under state and federal management?

Allowing Council/Commission liaisons the ability to vote would provide additional representation regarding inter-jurisdictional issues, but Congressional action may not be able to solve the underlying resource-use and/or process conflicts.

11. Catch Shares

Should there be any additional restrictions on the use of catch shares, or other changes to the Act relative to this issue?

Councils should maintain the maximum flexibility possible to develop effective management tools, including catch shares, which meet the needs and goals of each fishery. The referendum requirements may reduce the ability to implement new catch share measures.

12. National Standards

Should there be any additions or modifications to the existing National Standards?

The National Standards are somewhat narrowly implemented focused upon just one part of National Standard (NS) 1 – prevention of overfishing. Consequently the result seems to be a lessened focus on ensuring optimum yield is achieved, that best science is used, that stocks are treated as a unit throughout their range, on safety at sea, and on the social well-being/economics of fishing communities. Somehow reconciling NS1 with the other NSs could be useful, but a specific solution was not identified. Also, if “overfished” is replaced with “depleted” throughout the Act there will likely need to be modifications to the wording of the National Standards, especially NS1.